

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO: 7:14-CR-105-1FL

UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
KRISTOPHER DANIELS)	

This matter is set before the Court for a competency determination pursuant to 18 U.S.C. §4241. By order dated November 25, 2014, Defendant was committed to the custody of the Attorney General for an evaluation to determine whether there is reasonable cause to believe that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to assist properly in his defense. Defendant has been evaluated as directed, and a report has been prepared by forensic psychologists at the Federal Bureau of Prisons Metropolitan Correctional Center in New York, New York.

On February 5, 2014, a hearing was convened, pursuant to 18 U.S.C. §4247(d), at which Defendant, together with his counsel, Geoffrey Hosford, and an Assistant United States Attorney were present. Defendant was afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine any witnesses who might have appeared

at the hearing. However, Defendant, through counsel, chose not to object to the findings of the report or otherwise put on evidence related to mental competency. The psychiatric report indicates that Defendant currently has a limited rational and factual understanding of the proceedings against him, and he is not capable of adequately assisting counsel with his defense.

The Court has carefully considered the psychological evaluation report, together with the record in this case. At the conclusion of the hearing, the Court determined by a preponderance of the evidence, that Defendant presently is suffering from a mental disease or defect rendering him incompetent to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Accordingly, it is ORDERED that Defendant is committed to the custody of the Attorney General for hospitalization for treatment in a suitable facility, for such reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future, he will attain the capacity to permit these proceedings to go forward. 18 U.S.C. §4241(d). At the conclusion of that period of time, not to exceed four months, the mental health care provider conducting or overseeing Defendant's treatment shall prepare and submit to the Court a written report, with copies provided to counsel for Defendant and the

Government, detailing his or her professional observations, conclusions and recommendation regarding whether there exists a substantial probability that in the foreseeable future Defendant will attain the capability to permit these proceedings to go forward. Upon receipt and consideration by the Court and counsel for the parties of the four month treatment report, the Court will determine whether Defendant should remain hospitalized and receive treatment for an additional reasonable period of time until his mental condition is so improved that proceedings before the Court can continue, or until the pending charges against Defendant are disposed of according to the law, whichever is earlier. *Id.*

SO ORDERED.

This is the 12th day of February, 2015.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LOUISE W. FLANAGAN
United States District Judge